

PROB. 12B
(7/93)

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 14 2006

at 8 o'clock and 22 min. 4 M
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: IN SING CHOY

Case Number: CR 00-00215DAE-14

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra
U.S. District Judge

Date of Original Sentence: 2/23/2004

Original Offense: Conducting an Illegal Gambling Business, in violation of
18 U.S.C. §§ 1955 and 2, a Class D felony

Original Sentence: Three (3) years probation with the following special conditions:
1) That the defendant provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office; and
2) Defendant is prohibited from participating in any form of gambling, being in the presence of any illegal or legal gambling; frequenting any business, residence, or area where any gambling activities have occurred or are presently occurring; and associating with any persons engaged in gambling or any known gamblers.

Type of Supervision: Probation

Date Supervision Commenced: 2/23/2004

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

- 3) *That the defendant perform thirty (30) hours of community service, as directed by the Probation Office.*

CAUSE

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1. General Condition	On 9/28/2006, the subject engaged in conduct constituting Prostitution, in violation of the Hawaii Revised Statutes (H.R.S. § 712-1200).


Following sentencing on 2/23/2004, the subject reported to the Probation Office and was processed for supervision. At that time, the terms and conditions of supervision were read, reviewed, and explained by this officer. The subject acknowledged that he understood the conditions of supervision, including that he was not to commit another federal, state, or local crime.

On 9/28/2006, the subject was arrested for Prostitution in Honolulu, Hawaii. According to the police report, the subject propositioned an undercover police officer for sexual intercourse and oral sex in exchange for \$120. On 10/20/2006, the subject reported to the undersigned and was verbally reprimanded for his noncompliance. The subject expressed remorse for his conduct. This case is pending further Court proceedings.


In an effort to sanction the subject and impress upon him the importance of abiding by all supervision conditions, it is respectfully recommended that the Court modify the conditions of probation to require the subject's completion of thirty (30) hours of community service.

Attached is a signed Waiver of Hearing to Modify Conditions of Probation. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of probation. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,


ALYSA K. MAKAHANALOA
U.S. Probation Officer Assistant

Approved by:


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 11/9/2006

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



DAVID ALAN EZRA
U.S. District Judge

11-9-06

Date

PROB 49
(5/96)

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

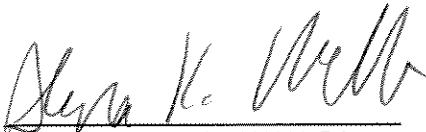
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

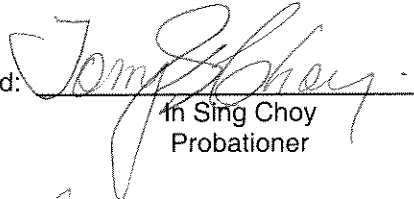
[X] To modify the conditions of supervision as follows:

3. *That the defendant perform 30 hours of community service, as directed by the Probation Office.*

Witness:


ALYSA K. MAKAHANALOA
U.S. Probation Officer Assistant

Signed:


In Sing Choy
Probationer

10-20-2006
Date